

Judge Marc L. Barreca
Chapter 7
Hearing Location: Marysville, WA
Hearing Date: March 8, 2017
Hearing Time: 10:00 a.m.
Response Date: March 1, 2017

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

In re:) Case No. 12-11140 MLB
) Chapter 7
KENT DOUGLAS POWELL and)
HEIDI POWELL,) **TRUSTEE'S NOTICE THAT ORIGINAL**
) **POTENTIAL BUYER HAS INCREASED**
Debtors.) **THE AMOUNT OF HER OFFER TO**
) **PURCHASE THE DOMAIN NAME**
)

This case was reopened on September 19, 2016 [Docket #20], at the request of Trustee, after Trustee had been informed that an asset of the Debtors had not been listed in their original bankruptcy schedules. That asset was a domain name <https://www.heidipowell.com>. Trustee had been contacted by an attorney from the law firm representing a potential purchaser of the domain name, who the Debtors have termed "the Arizona Heidi Powell." She was offering to buy that asset for \$10,000.00.

Trustee brought a motion to sell the domain name for that price. [Docket #25]

Debtors subsequently filed an amended Schedule C, asserting an exemption for the domain name. [Docket #30] Trustee objected to the claimed exemption. [Docket #32]

A hearing was held on Trustee's motion to sell the domain name and his objection to the claimed exemption. At that time the Court informed Trustee and Debtors' attorney of case law dealing with domain names, some of it conflicting. The hearing was continued so that the attorneys could, among other things, consider the case law mentioned by the Court.

**TRUSTEE'S NOTICE THAT ORIGINAL POTENTIAL
BUYER HAS INCREASED THE AMOUNT OF HER
OFFER TO PURCHASE THE DOMAIN NAME**

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1 Upon reflection, Trustee decided to instead accept an offer of the Debtors to sell the domain
2 name back to Debtors for \$2,047.00 (\$10,000.00 less the claimed exemption of \$7,953.00). [Docket
3 #34]

4 The hearing on Trustee's original motion and his objection to the claimed exemption has been
5 continued several times. It now is set for March 8, 2017.
6

7 In the meantime the Arizona Heidi Powell has now offered to purchase the domain name for
8 \$20,000.00. This would certainly be in the best interests of the creditors. Even if Trustee's
9 objection to the exemption was not sustained, there would be an additional \$10,000.00 available for
10 creditors. If Trustee's objection is sustained, all the creditors who timely filed proofs of claim
11 would be paid in full. (The claims bar date has gone by and the four proofs of claim total
12 \$16,823.78.)
13

14 Trustee has not notified creditors of the new offer amount. No one other than Debtors objected
15 to Trustee's original motion to sell the domain name for \$10,000.00. That being so, additional
16 notice is unnecessary. Creditors wouldn't object to getting more money.

17 Debtors' attorney has indicated to Trustee that he believes that accord and satisfaction binds
18 the Trustee to go with the motion to sell the domain name back to Debtors. Trustee disagrees with
19 that analysis. Even if Debtors' attorney is correct, this Court certainly isn't bound and therefore
20 should approve the sale to Arizona Heidi Powell as being in the best interests of the creditors.
21

22 DATED: February 22, 2017

23 /s/ Dennis Lee Burman

24 _____
25 DENNIS LEE BURMAN, WSBA #7875
26 Trustee in Bankruptcy

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